IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 12607 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE PRADIP KUMAR SARKAR

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SONI JAYABEN KAUSHIKKUMAR

Versus

UNION OF INDIA

Appearance:

MR LAKHPATSINH DABHI for Petitioner

MR ANANT S DAVE for Respondent No. 1

CORAM : MR.JUSTICE PRADIP KUMAR SARKAR

Date of decision: 15/12/2000

ORAL JUDGEMENT

1. Heard learned counsel Mr. Dabhi for the petitioner and Mr. Anant Dave, learned Addl. CGSC for respondents. Mr. Anant Dave waives service of rule on behalf of the respondents.

2. The petitioner has filed this petition for a direction on the respondent no.2 Regional Passport Officer, Ahmedabad, to correct the date of birth of the petitioner from 20-7-1964 to 20-8-1964. Learned counsel for the petitioner submitted that the petitioner applied for an international Passport and in the application form she has erroneously mentioned the date of birth of the petitioner as 20-7-1964, and accordingly the passport was issued being Passport No A-9174180 issued on 22-9-2000. The petitioner obtained birth certificate from Kasbe Prantij Nagarpanchayat and in the birth certificate issued by the Nagar Panchayat the date of birth of the

petitioner is shown as 20-8-1964. Learned counsel accordingly submitted that in the passport the date of birth of the petitioner is required to be corrected as per the date of birth issued by the Registrar, Birth & Death of Kasbe Prantij Nagar Panchayat. It is also submitted that the petitioner has approached respondent No.2 for such correction, who has refused to give the same, hence this petition.

3. Mr. Anant Dave, learned Addl. CGSC submitted that, if the petitioner files genuine documents before the respondent No.2, then, he may examine the same and if he is satisfied he may carry out the corrections in the passport. It appears from the School Leaving Certificate the date of birth of the petitioner has been recorded as 20-7-1964 and on that basis the passport was issued. Learned counsel for the petitioner however submitted that, at the time of taking admission the date of the petitioner was erroneously recorded as 20-7-1964. Now the birth certificate issued by the local authority shows the date of birth of the petitioner as 20-8-1964. Therefore, when there is a conflict in the date of birth between school leaving certificate and the certificate issued by Registrar of Birth & Death, that is the local authority, the certificate issued by the local authority should prevail. Accordingly the respondent No.2 may consider the prayer of the petitioner for change of birth date of the petitioner in accordance with the birth certificate issued by Kasbe Prantij Nagar Panchayat. Petitioner may submit relevant documents before the respondent No.2, including birth certificate issued by Kasbe Prantij Nagar Panchayat and if such documents are placed before the respondent No.2, then he shall consider the same in accordance with law, and if he is satisfied about the genuineness of birth certificate, then , he may make necessary corrections in the passport issued to the petitioner.

4. It appears that the mistake is committed by the petitioner while filing the application for passport showing incorrect birth date, and therefore if any correction is made by respondent No.2 in the passport issued to her, petitioner shall pay cost of Rs.1,500-00 to the respondent No.2 office. With the aforesaid observation and direction, the petition is disposed of. Rule made absolute to the aforesaid extent. Direct service permitted.

Dt: 15-12-2000 (P.K. Sarkar, J)

/vgn